

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FNA GROUP, INC.,

Plaintiff,

vs.

JIANGSU LONGTENG-PENGDA ELECTRIC
MECHANICAL CO., LTD.,

Defendant.

2:18-cv-00812-RFB-VCF

REPORT AND RECOMMENDATION

On December 11, 2018, the Court granted the motion to withdraw of counsel for Jiangsu Longteng-Pengda Electric Mechanical (“Jiangsu”). (ECF No. 28). The Court ordered Jiangsu to retain counsel by January 11, 2019, and warned that “[f]ailure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.” (*Id.* at 2). The Court set a status hearing for January 18, 2019 and ordered that an officer, director, or managing agent of Jiangsu attend. (*Id.* at 2-3). Though the Order was served on Jiangsu by email and through a courier service (ECF No. 29), Jiangsu failed to retain counsel or appear at the January 18, 2019 hearing.

Because Jiangsu failed to retain counsel or appear at the hearing as stated in the Court’s Order (ECF No. 28), the Court recommends that Jiangsu’s Answer (ECF No. 14) be stricken and default be entered against Jiangsu. “Courts have inherent power in the interest of the orderly administration of justice and under Rule 41(b), FRCP, to dismiss for disobedience of its orders.” *In re “Santa Barbara Like It Is Today” Copyright Infringement Litig.*, 94 F.R.D. 105, 108 (D. Nev. 1982).

1 Accordingly, and for good cause shown,

2 IT IS HEREBY RECOMMENDED that Jiangsu Longteng-Pengda Electric Mechanical's Answer
3 (ECF No. 14) be STRICKEN and DEFAULT entered against Jiangsu Longteng-Pengda Electric
4 Mechanical.

5 The Clerk of Court is directed to mail a copy of this Report and Recommendation to the following
6 addresses:

7 Mr. Mao Pengfei
8 President
9 Longteng-Pengda Electric Mechanical Co., Ltd.
10 No. 88 Zhaomin Industrial Park
11 Lvsu Gang Town, Qidong City
12 Jiangsu Province
13 China 226200

14 **NOTICE**

15 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
16 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
17 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
18 may determine that an appeal has been waived due to the failure to file objections within the specified
19 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections
20 within the specified time and (2) failure to properly address and brief the objectionable issues waives the
21 right to appeal the District Court's order and/or appeal factual issues from the order of the District Court.
22 *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452,
23 454 (9th Cir. 1983).

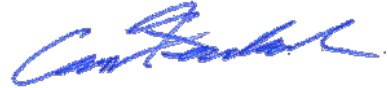
24 Pursuant to Local Special Rule 2-2, the Plaintiff must immediately file written notification with
25 the court of any change of address. The notification must include proof of service upon each opposing

1 party of the party's attorney. **Failure to comply with this Rule may result in dismissal of the action.**

2 *See* LSR 2-2.

3 IT IS SO RECOMMENDED.

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5 DATED this 18th day of January, 2019.

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7 CAM FERENBACH
8 UNITED STATES MAGISTRATE JUDGE
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